

ORDINANCE NO. 1937

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE COMPREHENSIVE PLAN TO CHANGE THE HISTORIC DESIGNATION OF PROPERTY AT 9908 SE CAMBRIDGE LANE FROM "UNRANKABLE" TO "CONTRIBUTING".

WHEREAS, the property owner applied for an application (File HR-04-01) to change the historic designation of the property from "unrankable" to "contributing"; and

WHEREAS, the Design and Landmarks Commission conducted a public hearing on August 25, 2004 in accordance with Milwaukie Municipal Code Chapter 19.323.5 and 19.1011.4 and recommended approval to the City Council; and

WHEREAS, the City Council conducted a public hearing on October 19, 2004 in accordance with Milwaukie Municipal Code Chapter 19.323.5 and 19.1011.4; and

WHEREAS, the proposal is consistent with evaluation criteria supporting the "contributing" historic designation; and

WHEREAS, the proposal is consistent with MMC 19.905 and Comprehensive Plan Chapter 2 which governs amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan Map Amendment implements the change in historic landmark designation for property located at 9908 SE Cambridge Lane from "unrankable" to "contributing"; and

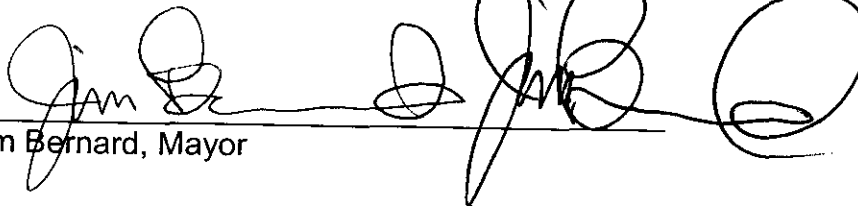
NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

- Section 1.** Findings. Findings of fact in support of the proposed amendment is attached as Exhibit A.
- Section 2.** The proposal is consistent with criteria governing amendments to the Comprehensive Plan as shown in Exhibit B.
- Section 3.** Comprehensive Plan Map Amendment. The Comprehensive Plan Map #4 and Comprehensive Plan Appendix 1 Historic Resources Property List are amended so property addressed as 9908 SE Cambridge Lane is ranked as "contributing" historic property.

Read the first time on October 19 and moved to second reading by 5-0
vote of the City Council.

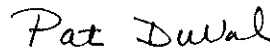
Read the second time and adopted by the City Council on October 19, 2004

Signed by the Mayor on October 19, 2004


Jim Bernard, Mayor

ATTEST

APPROVED AS TO FORM
RAMIS CREW CORRIGAN
& BACHRACH, LLP


Pat DuVal, City Recorder


City Attorney

ORDINANCE NO. 1937

Exhibit A

Findings of Fact and Conclusions

1. The applicant has applied for a Historic Resource Designation (HR) application to designate the "unrankable" property at 9908 SE Cambridge Lane as "contributing" in accordance with Section 19.323.5.
2. "Contributing" property must score 43 to 52 points on the evaluation worksheet or 10 in one or more categories. By comparing the property to neighboring historical homes, the property scored a total of 36, with a score of 10 for its Historical Association and, therefore, qualifies as "contributing" property.
3. The applicant has demonstrated that the property scores a 10 under Historical Association since the building was designed by notable Architect Morris Whitehouse and, therefore, shall be ranked as a "contributing" property under Section 19.323.3. The score corresponds with the ranking of 10 for other neighboring houses designed by important local architects Richard Sunderleaf (9712 and 9717 SE Cambridge Lane) and William Widden (9900 SE Cambridge Lane).
4. Comprehensive Plan Map #4 and Comprehensive Appendix 1 Historic Resources Property List shall be changed to reflect the new historic designation.
5. The proposal is consistent with applicable state, regional and Milwaukie Comprehensive Plan policies (Statewide Planning Goal 5 and the Historic Resources Element of the Comprehensive Plan).

Exhibit B

Comprehensive Plan Amendment Criteria

1. The proposal is consistent with the Zoning Ordinance Section 19.905 – Approval Criteria for All Amendments as follows:

- a. The proposed amendment must conform to applicable comprehensive plan goals, policies and objectives and be consistent with the provisions of city ordinances, Metro urban growth management functional plan and applicable regional policies.

The proposal is consistent with the Historic Resources Element of the Comprehensive Plan which contains two objectives:

- *Objective #1 – Adopt an official map and protect significant resources.*
- *Objective #2 – Promote and coordinate preservation with State, County and local groups and individuals.*

The proposal to rank the property “contributing” is consistent with these objectives and is consistent with city ordinances. The State has set goals and directed local government to protect historic resources through Goal 5 of the Statewide Planning Goals. The proposal does not conflict with regional policies or plans.

The application was processed and noticed in conformance with Comprehensive Plan Chapter 2, the proposal was noticed 30-days prior to the hearing and residents mailed notice within 400 feet of the site.

- b. The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The planning commission and city council shall use its discretion to weigh these factors in determining the intent of the proposed zone.

The proposed historic designation does not change residential density or allowable use of the property. This section is not applicable to the proposal.

- c. The proposed amendment will meet or can be determined to reasonably meet applicable regional, state or federal regulations.

Protecting historic resources is Goal 5 of the Statewide Planning Goals. This proposal complies with Goal 5 by designating historic resources.

- d. The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.

No changes or impacts to public facilities would result from this designation proposal.

- e. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact analysis may be required subject to the provisions of Chapter 19.1400.

The use and underlying R-10 zoning of the property would not change with this designation proposal and would not affect the transportation system.

- 2. The proposal is consistent with the Comprehensive Plan Chapter 2 – Plan Review and Amendment Process as follows:

Objective #1 – Policy 7 - All Plan amendments will be evaluated based on the following criteria:

- Conformance with the Comprehensive Plan, its goals and policies and spirit.

The proposal is consistent with this section as stated in MMC 19.905 criteria above.

- Public need for the change.

Designating historic property has been identified as a public need in Chapter 3 – Historic Resources Element.

- Public need is best satisfied by this particular change

Public need is satisfied as stated above.

- The change will not adversely affect the health, safety, and welfare of the community.

Public health and safety will not be affected.

- The change is in conformance with applicable Statewide Planning Goals

Designating historic resources is in compliance with Goal 5.

- The change is consistent with Metro Growth Management Functional Plan and applicable regional policies.

No functional plan or other regional policies apply.